
Z-2455
R. GREGG SUTTER
NB to GB

STAFF REPORT
5-12-2011

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the property owner, is requesting rezoning of 1.12 acres to allow operation of a proposed tire sales business on property located at the northeast corner of the Hadley Lane (private) and Sagamore Parkway intersection, just east of CR 250 W, more specifically 2336 US 52 W, Wabash 2 (NE) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is zoned NB as is all of the surrounding land except across US 52 which is zoned R1B and R2. Many different zoning districts exist in the vicinity of this request including Agricultural, General Business, Neighborhood Business, R1B, R2 and R3. Flood Plain associated with the Cuppy/McClure drainage ditch is just to the northeast.

The larger NB-zoned area at the northeast corner of 52 and 250 W is a remnant of the original 1965 zoning map. That map showed LB zoning (the old Local Business zone which in 1998 became NB) for a solid mile along the north side of US 52. Over the years there have been several rezone requests along the frontage, practically all of them from LB (or more recently, NB) to GB, General Business. This includes Z-1616 in 1995 for a proposed used car lot, Z-1833 in 1999 for a proposed Meijer, Z-1863 in 1999 and Z-2026 in 2001 for the land where the Paramount-Lakeshore commercial development is located.

The property owner adjacent to the east has recently filed a rezone request from NB to GB; this case will be heard at the June APC meeting.

AREA LAND USE PATTERNS:

Surrounding land uses are even more varied than the surrounding mix of zoning districts would indicate. Currently on site is a vacant commercial building with a paved parking lot. To the east is a single-family dwelling and Barrington West Apartments. Adjacent to the north is the office for US 52 Mobile Home Estates and several mobile homes. To the west across Hadley Lane is The Maples Mobile Home Park. To the south, land uses are mostly residential including single-family homes within subdivisions, on unplatted land, and several multi-family developments.

Meijer still owns the GB-zoned land at the northwest corner of CR 250 W and US 52 with a relatively new Menards store farther west. GB-zoned land to the east includes some unimproved property and a couple of commercial strip centers.

TRAFFIC AND TRANSPORTATION:

US 52 is a 4-lane divided highway classified as a primary arterial by the County *Thoroughfare Plan*. Construction has begun on the new US 231, which will intersect with US 52 just west of CR 250 W (taking the church located on this corner) when this stage of the project is completed.

On site there is an existing driveway from US 52 and a second driveway with access to Hadley Lane adjacent to the west. (It is possible that petitioner's landholdings include a portion of the neighboring single-family house's driveway.) Any new use located on this site requires a new access permit from INDOT. The recently completed US 52 Corridor Study calls for driveway consolidation in this area. The highway itself is capable of handling any traffic generated by a commercial use on this 1.12 acre tract.

An auto supply store would be required to provide one parking space per 200 square feet of gross floor area. Approximately 16 paved parking spaces would be needed based on the current building's footprint. If the existing lot is not large enough to meet this standard, the site includes land to the east of the building where the parking lot could be expanded.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

According to the County Health Department, the site is served by Indiana American Water and American Suburban sewer.

STAFF COMMENTS:

The current zoning pattern surrounding the site in question does not reflect the existing land uses in the vicinity. The house next door is zoned NB (although a request for GB zoning has been recently filed); the apartments to the east of the house are zoned GB, and a large portion of the two mobile home parks wrapped around this site, are zoned NB. None of these uses are conforming in those zones; however it is more likely that the existing commercial zoning will remain as is and that the land uses will eventually change from residential to commercial.

The only conforming property on this side of the highway, would appear to be petitioner's property. The ordinance allows retail tire dealers by right in the NB zone. It does stipulate, however, that there can be no outside storage in the NB zone, and if the business is "engaged in both selling and installing" tires, then it is classified as an automotive repair shop which does require GB zoning.

The intent of the Neighborhood Business district is "to provide areas for retail and service establishments appropriate to the needs of nearby residents." Because of its location on a four-lane divided highway, soon to be close to a major intersection, this property would be better utilized with a business supported by a broader area than only the "neighborhood's" nearby residents as the intent states.

STAFF RECOMMENDATION:

Approval